

Sample Letter C: Prior civil service status

<DATE>

<NAME>

<ADDRESS>

Dear <MR./MRS.>,

This letter outlines your rights of return and the options available to you at the termination of your exempt appointment. An employee who vacates a permanent civil service position to accept an exempt position could have as many as two reinstatement options. These options are as follows: (1) mandatory reinstatement to your former position and (2) improved reinstatement eligibility through a deferred examination for any class at any department.

1. Government Code (GC) section 19141 provides mandatory reinstatement for an employee who previously had permanent civil status without a break in service. Under the provisions of this section, you have a mandatory right of return to your former position under the same appointing authority in which the position was held. Your former position was in the classification of <CLASS TITLE> at the <DEPARTMENT NAME>. Also, with the consent of the appropriate appointing power, your right of return to your former position can be satisfied by returning to a position at substantially the same level in a different class under a different appointing power.

Note: Include the next two paragraphs if the employee's reinstatement will be to a CEA position within the same department where the exempt position is being terminated and the employee will not be retained as a CEA.

Prior to your exempt appointment, you held a CEA appointment as <CEA TITLE/LEVEL>. Incumbents of CEA positions do not acquire permanent status in such positions and may be terminated at any time. With this understanding, it has been decided not to retain you in your former position. Therefore, this letter will also serve to notify you that your CEA appointment will be terminated 20 calendar days from the date you are reinstated after termination of your exempt appointment. With the termination of your CEA appointment, your right of return becomes to the last probationary or permanent civil service position that you held, which is <CLASS TITLE> at the <DEPARTMENT NAME>.

If you choose mandatory reinstatement pursuant to GC section 19141, you will return directly to the class of <CLASS TITLE> and you will not be expected to physically perform the duties of the CEA position. However, you will receive at least 20 days' pay at the CEA level from which you are being terminated.

If you wish to exercise your right of return as specified above, you must request the reinstatement within ten working days of your exempt termination. Your request must be in writing and addressed to:

<NAME, TITLE>

<DEPARTMENT NAME>

<ADDRESS>

2. GC section 19141.1 provides an opportunity for an exempt employee who has a right of return under GC section 19141 to establish appointment eligibility through a deferred examination process if the employee has completed a minimum of five years of state service.

Note: Include the following paragraph if the employee has a right of return under GC section 19141 and has five years of state service:

Under the provisions of this regulation, since you have more than five years of state service, you may request a deferred exam for any class, in which you meet the minimum qualifications, that has a current eligible list. You retain this right to take a deferred exam, at any department, for a period of four years after the date of the termination of your exempt appointment. You may identify and pursue opportunities under this provision.

Note: Include the following paragraph if the employee has a right of return under GC section 19141, but has less than five years of state service:

The improved reinstatement eligibility provided in this regulation does not apply to you since you do not have the required five years of state service.

If you have any questions concerning the information provided in this letter, you may contact <PERSONNEL OFFICER or CHIEF OF ADMINISTRATION>, at <PHONE NUMBER>.

Sincerely,

<EXECUTIVE OFFICER or DEPARTMENT DIRECTOR>